

FISCAL NOTE

SB 3326 - HB 3837

March 10, 2006

SUMMARY OF BILL: Increases the penalty for the Class A felony offense of rape of a child from the current range of 15-60 years to a minimum of 25 years. A convicted offender must serve 100 percent of the sentence imposed by the court. Lifetime global positioning system (GPS) monitoring and community supervision is required if such offender is released from prison.

ESTIMATED FISCAL IMPACT:

Increase State Revenues - \$1,000

Increase State Expenditures - \$1,644,300 / Incarceration*
Exceeds \$3,000,000 Recurring
\$62,100 One-Time

Assumptions:

- GPS offenders are required to pay \$600 per year to cover monitoring costs; however, according to the Board of Probation and Parole (BOPP), 90% of the GPS offenders are indigent and unable to pay. BOPP will have a total of 17 new offenders on the GPS program ($17 \times \$600 = \$10,200$). Ten percent of those will pay \$1,020.
- An average of 64 persons have been convicted of this offense in each of the past three years, according to the Administrative Office of the Courts, and in each of the past six years, according to the Department of Correction. The average age of each offender is 39 years, and the life expectancy of each offender is 70 years. Twenty-five percent of those 64 offenders had multiple offenses ($64 \times 0.25 = 16$). Persons convicted of this offense currently serve an average of 20 years. Each offender will serve an average of 25 years under this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years, yielding a project compound population growth of 13.6% over the next ten years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. §9-4-210, is based upon 18 offenders serving additional time on their sentences.
- Eighteen offenders will serve an additional 5.0 years (an increase from 20 years to 25 years). According to the Department of Correction, the

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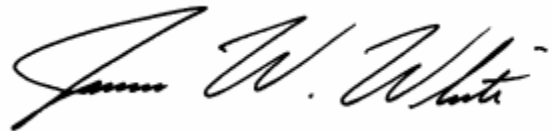
average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 20 years is \$365,396.10 (\$50.02 x 7,305 days). The cost per inmate at 25 years is \$456,745.13 (\$50.02 x 9,131.25 days). The additional cost from increasing the average sentence length from 20 years to 25 years is \$91,349.03 (\$456,745.13 - \$365,396.10). The total additional operating cost for 18 offenders per year is \$1,644,282.54 (\$91,349.03 x 18).

- Under current law, BOPP has discretionary authority to implement GPS monitoring as a part of community supervision. BOPP is conducting GPS monitoring of sex offenders on a limited, pilot project basis. BOPP will require additional personnel and equipment state-wide to implement mandatory Global Position System monitoring of released offenders.

**Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director